

REMARKS

The application comprises claims 1-51, of which claims 1 and 24 are in independent form. Claims 1, 24 and 39 are amended.

Claims 12, 13, 36 and 37 are cancelled without prejudice.

Informalities

Claim 39 is amended to correct an informality.

Rejections under 35 USC 112

Under this heading the Examiner rejected claims 13, 14, 36 and 37. However the Examiner's comments regarding the sac-like and socking structures make it apparent that claim 12 rather than claim 14, which teaches a cage like structure, was intended.

In response, claims 12, 13, 36 and 37 are cancelled without prejudice.

Rejections under 35 USC 103

The Examiner rejects the claims for obviousness over the embodiment of Figs 12 to 15 in Nagle (WO02/059571) in view of the embodiments in Figs 1 and 2 of the same document.

Applicant has amended claims 1 and 24 to more clearly define the invention for which protection is required.

Applicant in the previous response amended the claims to define that the frame is mounted in the holder such as to provide a clear approach to all six of the faces.

Nagle Figs 12 to 15 teach a device held within a cage-like structure that appears to have six faces.

The specimen appears to be securely held within the cage.

The Fig. 2 embodiment teaches marking points of interest and the Fig. 1 embodiment teaches alignment of the points of interest with the container for tracking.

In response applicant has amended claim 1 to specify that the clear approach is for *entry* to manipulate the specimen.

That is to say whilst the embodiment of Nagle could *not even* be said to have a clear approach for *viewing* from *any* of the faces of the structure, the present embodiments require a clear approach from *each* of the faces of the structure, which approach is an *entry* for *manipulation* of the specimen.

In Nagle PCT, the embodiment of Fig. 12-15 and corresponding text does not teach a clear approach, and certainly not for entry. Finger like members cover most of the surface, so the surface remaining between them fails to provide anything that could be construed as a clear approach for entry.

The finger-like members of Nagle are in fact designed and provided *only* in order to secure the specimen. Nagle is completely silent regarding clear approach with regards to Figs. 12-15. Finger like members are provided only to provide mating of the two mating pieces (202 204).

Thus Nagle fails to teach

"the structure forming six faces, in a manner allowing a clear approach to *each* of said six faces *to enter* for *manipulation* of said specimen, and fixing the orientation of the tissue specimen."

The same amendment has been made to claim 24, so that it too requires six faces and a clear approach *with entry from each face* for manipulation of the specimen.

Thus independent claims 1 and 24 are believed to be inventively distinguished over the prior art.

The remaining claims are believed to be allowable at least by virtue of being dependent on allowable main claims.

An early and favorable action is respectfully requested.

Respectfully submitted,

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Date: January 19, 2011

Enclosures:

- Petition for Extension (Three Months)
- Request for Continued Examination (RCE)